

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

## VOTES AND PROCEEDINGS

No. 119

TUESDAY, 7 FEBRUARY 1995

1 The House met, at 12.30 p.m., pursuant to adjournment. The Speaker (the Honourable Stephen Martin) took the Chair, and read Prayers.

2 **CANBERRA ELECTORAL DIVISION—ISSUE OF WRIT**

The Speaker informed the House that it was his intention to issue a writ on 17 February 1995 for the election of a Member to serve for the electoral division of Canberra, in the Australian Capital Territory, in the place of Mrs Kelly. The dates in connection with the election would be fixed as follows:

Issue of writ . . . . . Friday, 17 February 1995.  
 Close of rolls . . . . . Friday, 24 February 1995.  
 Date of nominations . . . . . Tuesday, 28 February 1995.  
 Date of polling . . . . . Saturday, 25 March 1995.  
 Return of writ . . . . . On or before Sunday, 28 May 1995.

3 **STANDING ORDERS 303 AND 304A—STATEMENT BY SPEAKER**

The Speaker made a statement in response to a question asked of him yesterday by Mr Slipper in respect of the application of standing orders 303 and 304A.

4 **EVIDENCE BILL 1994—SENATE'S AMENDMENTS**

The order of the day having been read for the consideration of the amendments made by the Senate, viz.:

**SCHEDULE OF THE AMENDMENTS MADE BY THE SENATE**

No. 1—Clause 59, page 26, note, after “as follows:” insert the following:

“ • evidence relevant for a non-hearsay purpose (section 60);”.

No. 2—Clause 61, page 27, note, lines 14 to 18, omit the note.

No. 3—Clause 77, page 35, note, lines 1 to 6, omit the note.

No. 4—Clause 118, page 50, line 39, omit “sole”, substitute “dominant”.

No. 5—Clause 119, page 51, line 9, omit “sole”, substitute “dominant”.

No. 6—Clause 120, page 51, subclause (1), line 22, omit “sole”, substitute “dominant”.

No. 7—Dictionary, page 100, Part 2, clause 10, at end of subclause (2) add the following word and paragraph:

“; or (c) the person with whom a child is living as if the child were a member of the person’s family”—

On the motion of Mr Gear (Assistant Treasurer), the amendments were agreed to.

#### **5 EVIDENCE (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 1994—SENATE’S AMENDMENT**

The order of the day having been read for the consideration of the amendment made by the Senate, viz.:

##### **SCHEDULE OF THE AMENDMENT MADE BY THE SENATE**

Clause 3, page 3, subclause (2), line 15, omit “1 January 1995”, substitute “18 April 1995”—

On the motion of Mr Gear (Assistant Treasurer), the amendment was agreed to.

#### **6 AUSTRALIAN PARLIAMENTARY DELEGATION TO THE 40TH COMMONWEALTH PARLIAMENTARY CONFERENCE—REPORT—STATEMENTS BY MEMBERS**

Mr Sharp, by leave, presented the following paper:

Commonwealth Parliamentary Association—40th Commonwealth Parliamentary Conference, Banff, Canada, October 1994—Report of Delegation from Commonwealth of Australia Branch.

Mr Sharp and Mr Reid, by leave, made statements in connection with the paper.

#### **7 SELECTION COMMITTEE—REPORT**

Mr Jenkins (Chair) presented the following report:

Selection Committee—Report relating to the program of business prior to 2.45 p.m. on Monday, 27 February 1995.

#### **8 ANZAC DAY BILL 1994**

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed.

Question—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Mr Sciacca (Minister for Veterans’ Affairs), the Bill was read a third time.

#### **9 TAXATION LAWS AMENDMENT BILL (NO. 5) 1994**

The order of the day having been read for the second reading—Mr Gear (Assistant Treasurer) moved—That the Bill be now read a second time.

Mr Rocher addressing the House—

It being 3 p.m., the debate was interrupted in accordance with standing order 101A, and the resumption of the debate made an order of the day for a later hour this day.

**10 QUESTIONS**

Questions without notice were asked.

**11 PAPER**

The Speaker presented the following paper:

Advance to the Speaker of the House of Representatives—Statement of use, February 1995.

**12 PAPERS**

The following papers were presented:

AeroSpace Technologies of Australia Limited—Report for 1993-94.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Commonwealth Bank of Australia—Report for 1993-94.

International Labour Organisation—International Labour Conference—Australian Delegation Report—81st session, Geneva, 7-24 June 1994.

National Road Transport Commission Act—National Road Transport Commission—Report for 1993-94.

Pipeline Authority Act—Pipeline Authority—Report for 1993-94.

**13 PAPERS—MOTION TO TAKE NOTE OF PAPERS**

Mr Beazley (Leader of the House) moved—That the House take note of the following papers:

AeroSpace Technologies of Australia Limited—Report for 1993-94.

Equal Employment Opportunity (Commonwealth Authorities) Act—Equal employment opportunity program—Commonwealth Bank of Australia—Report for 1993-94.

International Labour Organisation—International Labour Conference—Australian Delegation Report—81st session, Geneva, 7-24 June 1994.

National Road Transport Commission Act—National Road Transport Commission—Report for 1993-94.

Pipeline Authority Act—Pipeline Authority—Report for 1993-94.

Debate adjourned (Mr Reith), and the resumption of each debate made an order of the day for the next sitting.

**14 NATIONAL CRIME AUTHORITY—JOINT COMMITTEE**

The House was informed that Mr Duffy had notified his resignation from the Parliamentary Joint Committee on the National Crime Authority.

**15 DISCUSSION OF MATTER OF PUBLIC IMPORTANCE—ECONOMIC STRATEGY**

The House was informed that Mr Costello (Deputy Leader of the Opposition) had proposed that a definite matter of public importance be submitted to the House for discussion, namely, "The failure of the Labor Government's economic strategy and the uncertainty caused by its failure to announce measures to deal with it".

The proposed discussion having received the necessary support—

Mr Costello addressed the House.

Discussion ensued.

Discussion concluded.

**16 CUSTOMS TARIFF PROPOSALS**

Mr Lindsay (Parliamentary Secretary to the Minister for Industry, Science and Technology) moved Customs Tariff Proposals Nos. 1 and 2 (1995).

Debate adjourned (Mr Downer), and the resumption of the debate made an order of the day for the next sitting.

**17 MESSAGE FROM THE SENATE—LIFE INSURANCE BILL 1994**

The following message from the Senate was reported:

Message No. 403

Mr Speaker,

The Senate returns to the House of Representatives the bill for "*An Act relating to life insurance, and for related purposes*", and acquaints the House that the Senate has agreed to the bill with the amendments indicated by the annexed schedule, in which amendments the Senate requests the concurrence of the House of Representatives.

MICHAEL BEAHAN  
President

The Senate

Canberra, 6 February 1995

Ordered—That the amendments be considered at the next sitting.

**18 MESSAGE FROM THE SENATE**

A message from the Senate was reported returning the following Bill without amendment:

6 February 1995—Message No. 404—Life Insurance (Consequential Amendments and Repeals) 1994.

**19 MESSAGE FROM THE SENATE—TOBACCO ADVERTISING PROHIBITION AMENDMENT BILL 1995**

Message No. 405, dated 6 February 1995, from the Senate was reported transmitting for the concurrence of the House a Bill for "*An Act to amend the Tobacco Advertising Prohibition Act 1992, and for related purposes*".

Bill read a first time.

*Paper:* Mr Bilney (Minister for Development Co-operation and Pacific Island Affairs) presented an explanatory memorandum to the Bill.

Ordered—That the second reading be made an order of the day for the next sitting.

**20 MATTERS REFERRED TO MAIN COMMITTEE**

Mr McLeay (Chief Government Whip), pursuant to notice, moved—That:

(1) the following Bills be referred to the Main Committee for consideration:

Prawn Boat Levy 1994;

Prawn Export Charge 1994;

Prawn Export Promotion 1994;

Asian Development Bank (Additional Subscription) 1994; and

Environment, Sport and Territories Legislation Amendment (No. 2) 1994; and

- (2) the following order of the day, government business, be referred to the Main Committee for debate: Family Law Council—Report—Motion to take note of paper: Resumption of debate.

Question—put and passed.

## 21 TAXATION LAWS AMENDMENT BILL (NO. 5) 1994

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—

Debate resumed by Mr Rocher who moved, as an amendment—That all words after “That” be omitted with a view to substituting the following words: “whilst not declining to give the Bill a second reading, the House:

- (1) condemns the Government for the ever burgeoning level of taxation since 1983, which has increased by more than double the rate of inflation; and
- (2) deplores the high and growing cost to taxpayers of complying with an increasingly complex tax system”.

Debate continued.

Amendment negatived.

Question—That the Bill be now read a second time—put and passed—Bill read a second time.

Leave granted for third reading to be moved forthwith.

On the motion of Ms Crawford (Parliamentary Secretary to the Minister for Housing and Regional Development), the Bill was read a third time.

## 22 HEALTH LEGISLATION (PRIVATE HEALTH INSURANCE REFORM) AMENDMENT BILL 1994

The order of the day having been read for the resumption of the debate on the question—That the Bill be now read a second time—*And on the amendment moved thereto by Mrs Bishop, viz.*—That all words after “That” be omitted with a view to substituting the following words: “the House will not decline to give the Bill a second reading if the following assertions of principle are agreed to, being of the opinion that:

- (1) there is no evidence that the Bill will meet the objective of reducing private health insurance premiums so as to stem the flow from health fund membership; in fact the evidence is to the contrary;
- (2) freedom of choice of doctor and hospital is effectively denied;
- (3) there is no adequate default payment provision for patients treated in hospitals other than under hospital purchase-provider agreements;
- (4) the community rating principle is undermined by allowing contracts between health funds and contributors to exclude coverage for the treatment of certain illnesses and conditions;
- (5) there is no specific appeal mechanism from the Complaints Commissioner;
- (6) the Bill grants the Minister excessive power, specifically:
  - (a) the ability to intervene in contracts, applicable benefits arrangements, complaints, and mergers of health funds;
  - (b) power to intrude upon the privacy of individual patients, without adequate guidelines and safeguards being provided; and

- (c) to avoid competition policy and the provisions of the Trade Practices Act;
- (7) many in the industry have not been able to have their view heard, and accordingly, the Bill should be referred to the Senate Committee on Community Affairs to examine inter alia:
- (a) the question as to whether the amendments to the Principal Act made by this Bill may be construed as an authorisation of any form of civil conscription in relation to medical and dental services as prohibited by section 51 (xxiiiA) of the Constitution;
  - (b) the submission made by the Australian Private Hospital Association that the date of the implementation of the mandatory contractual agreements be delayed until 1 July 1996 with the agreements remaining in place till then, and the apparent inflexibility of Casemix based payment systems; and
  - (c) the provision of an independent agency to receive information under the Hospital Casemix Protocol; and
- (8) should this second reading amendment not be agreed to, the Bill's second reading should be declined"—

Debate resumed.

Mr Lieberman addressing the House—

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## 23 ADJOURNMENT

It being 7.30 p.m.—The question was proposed—That the House do now adjourn.

Debate ensued.

The House continuing to sit until 8 p.m.—The Speaker adjourned the House until tomorrow at 9.30 a.m.

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## PAPERS

The following papers were deemed to have been presented on 7 February 1995:

International Air Services Commission Act—Declaration No. M42/94.

Migration Act—Statements (29) under section 417.

National Health Act—

Declaration 1995 No. PB 1.

Determination 1995 No. PB 2.

Native Title Act—Determination 1995 No. 1.

Natural Resources Management (Financial Assistance) Act—Copy of agreement for the provision of financial assistance for projects relating to natural resources management between the Commonwealth of Australia and South Australia, 22 December 1994.

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**ATTENDANCE**

All Members attended (at some time during the sitting) except Mr Aldred, Mr Baldwin, Mr Brereton, Mr Crean, Mr Free, Mr Howe, Mr Johns and Mr Keating.

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**L. M. BARLIN**

Clerk of the House of Representatives